

REMARKS

Claims 12-31 are pending in this application. Claim 12 is amended and claims 23-31 are added.

Applicants thank Examiner Robinson for recognizing allowable subject matter in claims 13, 14 and 17-19.

Applicant thanks Examiner Robinson for the courtesies extended to Applicant's representative during the January 28, 2010, telephonic interview. During the interview, Applicant's representative discussed the Woolman reference as it is applied to claim 12.

The Claimed Invention

An exemplary embodiment of the invention, as recited by independent claim 12, is directed to a device for producing a hot drink, the device including an appliance unit which is arranged in a receiving cavity while the device is in use; a residual water tray which is arranged in the appliance unit while the device is in use; means for removing the appliance unit from the receiving cavity; and means for removing the residual water tray from the appliance unit, wherein the means for removing the appliance unit from the receiving cavity and the means for removing the residual water tray from the appliance unit at least partly overlap.

Conventional devices for producing hot drinks may be arranged in a receiving cavity. These conventional devices suffer from the problem of not being able to be easily removed from the receiving cavity.

The invention addresses and solves this problem by providing means for removing the appliance unit from the receiving cavity.

The Woolman Reference

The Office Action rejected claims 12, 15, 16 and 20-22 under 35 U.S.C. §102(b) over U.S. Patent No. 4,644,855 to Woolman et al. Applicants respectfully traverse the rejection.

Claim 12 includes the feature of an appliance unit which is arranged in a receiving cavity while the device is in use; means for removing the appliance unit from the receiving cavity; and means for removing a residual water tray from the appliance unit, wherein the means for removing the appliance unit from the receiving cavity and the means for removing the residual water tray from the appliance unit at least partly overlap.

During the January 28 interview, Examiner Robinson stated that Woolman's statement that brewing can take place in a vending machine (col. 1, lines 28-29) implies that the device of Woolman is arranged in a receiving cavity. Applicants submit that there is nothing in Woolman that specifically states that the disclosed apparatus is arranged in a receiving cavity, and that the apparatus of Woolman could be surface mounted in a vending application.

Further, even if the position is taken that Woolman impliedly discloses a receiving cavity, Applicants respectfully submit that Woolman does not disclose means for removing the apparatus from a receiving cavity. There is no structure, or even discussion, in Woolman relating to the removal of the apparatus from anything.

Also, Woolman does not disclose drip tray 248 as being removable.

In addition, since Woolman does not disclose the claimed means for removing the appliance unit from the receiving cavity or the claimed means for removing the residual water tray from the appliance unit, Woolman cannot disclose the means for removing the appliance unit from the receiving cavity and the means for removing the residual water tray from the appliance unit at least partly overlapping.

In view of the foregoing, Applicants respectfully submit that Woolman does not disclose each and every feature of claims 12, 15, 16 and 20-22 and, as a result, rejection under 35 U.S.C. §102 (b) is inappropriate. Applicants respectfully request withdrawal of the rejection.

New Claims

New claims 23-31 are added. Claims 23-31 include the feature of an access portal located in the appliance unit, the access portal allowing access to the actuating portion of the appliance unit removal device and the actuating portion of the residual water tray removal device. Applicants respectfully submit that none of the applied references teaches or suggests these or other features of claims 23-31.

CONCLUSION

In view of the above, Applicants respectfully request entry of the present Amendment and allowance of claims 12-31. If the Examiner has any questions regarding this Amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies

Registration No. 62,246

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BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com